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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard J. Whitley et al.

Attorney Docket: UAB-16102/22

Serial No.: 10/009,972

Group Art Unit: 1638

Filed: February 14, 2002

Confirmation No. 5479

For: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES  
AND METHOD FOR TREATING CANCERS THEREWITHREQUEST FOR CORRECTED FILING RECEIPTAttn. Office of Initial Patent Examination  
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Washington, D.C. 20231

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Dear Sir:

Applicant in the above-identified patent application respectfully requests a corrected Filing Receipt as indicated in red ink on a copy of the Filing Receipt attached hereto. Please correct the spelling of "Ness" to --Nuss--, per the inventor's declaration filed February 14, 2002, a copy of which is enclosed herewith.

If any fees or charges are necessary, please charge them to our Deposit Account No. 07-1180.

If the Examiner has any further questions relating to this application, Applicant's attorney may be reached at (248) 647-6000.

Respectfully submitted,

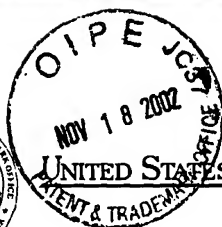
Date: 11/13/02

Avery N. Goldstein  
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Anderson & Citkowski, P.C.  
280 N. Old Woodward Avenue, Suite 400  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, addressed to: Attn. Office of Initial Patent Examination, Customer Service Center, Assistant Commissioner for Patents, Washington, D.C. 20231, on Nov. 13, 2002.

Janice R. Kuehn  
Janice R. Kuehn



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/009,972	02/14/2002	1638	420	UAB-16102/22	7	15	2

CONFIRMATION NO. 5479

25006

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BIRMINGHAM, MI 48009

## FILING RECEIPT



\*OC000000007734046\*

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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Richard J. Whitley, Birmingham, AL;  
James MacDowell Markert, Birmingham, AL;  
George Yancey Gillespie, Birmingham, AL;  
Jacqueline ~~Yancey~~ Parker, Birmingham, AL;

Nuss

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US00/40165 06/08/2000  
WHICH CLAIMS BENEFIT OF 60/138,173 06/08/1999  
AND CLAIMS BENEFIT OF 60/144,314 07/16/1999

## Foreign Applications

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

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Title

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GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.

Herpes simplex virus expressing foreign genes and method for treating cancers therewith

Preliminary Class

435

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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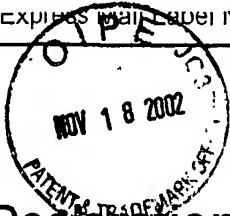
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Docket No.  
UAB-16102/22

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND METHOD FOR TREATING CANCERS THEREWITH**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 8 JUNE 2000 as United States Application No. or PCT International

Application Number PCT/US00/40165

and was amended on 1 OCT. 2001

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

COPY

<u>60/138,173</u>	<u>8 JUNE 1999</u>
(Application Serial No.)	(Filing Date)
<u>60/144,314</u>	<u>16 JULY 1999</u>
(Application Serial No.)	(Filing Date)
<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>PCT/US00/40165</u>	<u>8 JUNE 2000</u>	<u>PENDING</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>                    </u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Ernest I. Gifford, 20,644  
 Allen M. Krass, 18,277  
 Irvin L. Groh, 17,505  
 Douglas W. Sprinkle, 27,394  
 Thomas E. Anderson, 31,318  
 Ronald W. Citkowski, 31,005  
 Judith M. Riley, 31, 561  
 Douglas J. McEvoy, 34,385

Ellen S. Cogen, 38,109  
 John G. Posa, 37,424  
 Roberta J. Morris, 33,196  
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 Douglas L. Wathen, 41,369  
 Mark D. Schneider, 43,906  
 Beverly M. Bunting, 36,072

COF

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 280 N. Old Woodward Avenue, Suite 400  
 Birmingham, MI 48009-5394

Direct Telephone Calls to: (name and telephone number)  
 Ellen Cogen at (248) 647-6000

Full name of sole or first inventor	
<b>Richard J. Whitley</b>	
Sole or first inventor's signature	Date
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Citizenship	
<b>US</b>	
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Full name of second inventor, if any	
<b>James MacDowell Markert</b>	
Second inventor's signature	Date
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Citizenship	
<b>US</b>	
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Fourth inventor's signature <i>Jacqueline Ness Parker</i>	Date <b>01/04/02</b>
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Citizenship <b>US</b>	
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<b>Birmingham, AL 35226</b>	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



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9-9/720 49

DATE 2/13/02

GIFFORD, KRASS, GROH, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.  
280 N. OLD WOODWARD, STE. 400  
BIRMINGHAM, MI 48009-5394

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☐ IDS, PTO 1449 & Patents ☐ Assignment & Recordation Cover Sheet  
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Other: \_\_\_\_\_

Inventor: Richard J. Whitley et al.  
Serial/Reg. No. 10/009,972 Atty Docket No. UAB-16/02/22  
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